

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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S.A.R.L. GALERIE ENRICO NAVARRA  
AND ENRICO NAVARRA,

Plaintiffs,

-against-

MARLBOROUGH GALLERY, INC.,  
PHILIPPE KOUTOUZIS, and PIERRE  
LEVAI,

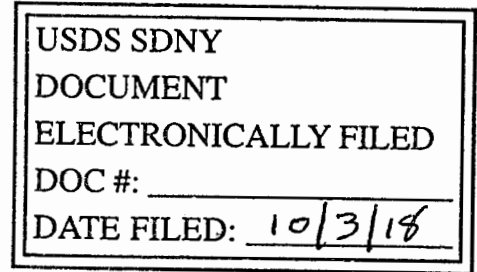
Defendants.  
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KIMBA M. WOOD, District Judge:

Plaintiffs S.A.R.L. Enrico Navarra and Enrico Navarra (collectively, “Plaintiffs”) brought suit against Marlborough Gallery, Inc. (“Marlborough”), Marlborough’s director for Asia, Philippe Koutouzis (“Koutouzis”), and Marlborough’s president, Pierre Levai (“Levai”) (collectively, “Defendants”) seeking damages for tortious interference with contract, as well as aiding and abetting the same tortious interference. On April 5, 2017, this Court granted summary judgment in favor of the Defendants. (ECF No. 186.) With respect to Koutouzis, this Court concluded Plaintiffs’ claim was untimely. (ECF No. 186, at 8-11.) With respect to Marlborough and Levai, this Court concluded Plaintiffs failed to present a triable issue of fact as to whether Marlborough and Levai acted deliberately to induce Mr. Chu to breach his contract with Plaintiffs. (ECF No. 186, at 11-15.) After final judgment was entered on April 6, 2017, Plaintiffs appealed to the Second Circuit. (ECF No. 188.)<sup>1</sup> On September 21, 2018, the Second Circuit vacated the judgment and remanded the case for further proceedings. (ECF No. 190.)

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<sup>1</sup> Plaintiffs ultimately withdrew the portion of their appeal challenging the dismissal of their claim against Koutouzis. (ECF No. 189.)



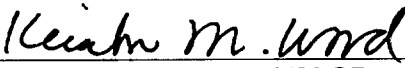
10-CV-7547 (KMW)  
ORDER

Specifically, the Second Circuit held that Plaintiffs presented a triable issue of fact as to whether Marlborough and Levai acted deliberately to induce Mr. Chu to breach his contract with Plaintiffs. (ECF No. 190, at 4-8.)

The Court orders the remaining parties to submit a joint status letter regarding the issues the Court must decide on remand and what further proceedings are necessary. If Marlborough and Levai intend to renew their motion for summary judgment, this letter shall include a briefing schedule regarding that motion. The parties shall submit this letter no later than October 15, 2018.

SO ORDERED.

DATED: New York, New York  
October 1, 2018

  
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KIMBA M. WOOD  
United States District Judge